

## 10 CSR 10-6.364 Clean Air Interstate Rule Seasonal Nox Trading Program.

### (1) Applicability.

- (A) The following units in a State shall be CAIR NOX Ozone Season units, and any source that includes one or more such units shall be a CAIR NOX Ozone Season source, subject to the requirements of sections (3) and (4) of this rule:
1. Except as provided in subsections (B) and (C) of this section, a stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the start-up` of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.
  2. For a unit that qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity and continues to qualify as a cogeneration unit, a cogeneration unit serving at any time a generator with nameplate capacity of more than 25 MWe and supplying in any calendar year more than one-third of the unit's potential electric output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale. If a unit qualifies as a cogeneration unit during the 12-month period starting on the date the unit first produces electricity but subsequently no longer qualifies as a cogeneration unit, the unit shall be subject to subsection (A) of this section starting on the day on which the unit first no longer qualifies as a cogeneration unit.
  3. This rulemaking shall apply throughout Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington and Wayne counties and the City of St. Louis to Non-electric generating boilers that have a maximum design heat input greater than two hundred fifty (250) million British thermal units per hour (mmBtu/hr) that—
    - (A) Commenced operations before January 1, 1997, and did not serve a generator producing electricity for sale under a firm contract to the electric grid during 1995 or 1996; or
    - (B) Commenced operations in 1997 or 1998 and did not serve a generator producing electricity for sale under a firm contract to the electric grid during 1997 or 1998; or
    - (C) Commenced operation on or after January 1, 1999, and:
      - (I) At no time served or serves a generator producing electricity for sale; or
      - (II) At any time served or serves a generator with a nameplate capacity of twenty-five (25) MW or less producing electricity for sale, and with the potential to use no more than fifty percent (50%) of the potential electrical output capacity of the unit;
- (B) Low Emission – Low Run Hour Exemptions

1. Any unit under subsection (1)(A) of this rule, which demonstrates, using the emission estimation methods outlined in subsection (4)(C) of this rule, that the unit's mass NO<sub>x</sub> emissions are twenty five (25) tons or less during the control period is exempt from the requirements of this rule.
2. The provisions of this rule shall not apply to any emergency standby generator, internal combustion engine and peaking combustion turbine unit demonstrated to operate less than three hundred fifty (350) hours per control period averaged over the three (3) most recent years of operation, which have installed and maintain in proper operation a nonresettable engine hour meter.
3. Loss of Exemption. If the exemption limit in paragraph 1. or 2. of this subsection is exceeded, the exemption shall not apply and the owner or operator must notify the administrator or designee within thirty (30) days. If the owner or operator can demonstrate to the administrator or designee that the exemption limit was exceeded due to emergency operations or uncontrollable circumstances, the exemption in paragraph 1. or 2. of this subsection shall apply.

(C) Retired unit exemption.

1. General Provisions
  - A. Any CAIR NO<sub>x</sub> Ozone Season unit that is permanently retired and is not a CAIR NO<sub>x</sub> Ozone Season opt-in unit shall be exempt from the CAIR NO<sub>x</sub> Ozone Season Trading Program, except for the provisions of this section, § 96.302, § 96.303, § 96.304, § 96.306(c)(4) through (8), § 96.307, and subparts BBBB, FFFF, and GGGG of 40 CFR 96 as incorporated by reference in sections (2),(3) and (4) of this rule.
  - B. The exemption under subparagraph (1)(C) of this section shall become effective the day on which the CAIR NO<sub>x</sub> Ozone Season unit is permanently retired. Within 30 days of the unit's permanent retirement, the CAIR designated representative shall submit a statement to the permitting authority otherwise responsible for administering any CAIR permit for the unit and shall submit a copy of the statement to the Administrator. The statement shall state, in a format prescribed by the permitting authority, that the unit was permanently retired on a specific date and will comply with the requirements of paragraph 2. of this subsection.
  - C. After receipt of the statement under subparagraph 1.B. of this subsection, the permitting authority will amend any permit under subpart CCCC as incorporated by reference in section (3) of this rule covering the source at which the unit is located to add the provisions and requirements of the exemption under subparagraph 1.A. and paragraph 2. of this subsection.
2. Special provisions.
  - A. A unit exempt under paragraph 1. of this subsection shall not emit any nitrogen oxides, starting on the date that the exemption takes effect.

- B. The permitting authority will allocate CAIR NOX Ozone Season allowances under subsection (3)(B) of this rule to a unit exempt under paragraph 1. of this subsection.
- C. For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under paragraph 1. of this subsection shall retain at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the permitting authority or the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.
- D. The owners and operators and, to the extent applicable, the CAIR designated representative of a unit exempt under paragraph 1. of this subsection shall comply with the requirements of the CAIR NOX Ozone Season Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.
- E. A unit exempt under paragraph 1. of this subsection and located at a source that is required, or but for this exemption would be required, to have a title V operating permit shall not resume operation unless the CAIR designated representative of the source submits a complete CAIR permit application under § 96.322 as incorporated by reference under section (3) of this rule for the unit not less than 18 months (or such lesser time provided by the permitting authority) before the later of January 1, 2009 or the date on which the unit resumes operation.
- F. On the earlier of the following dates, a unit exempt under paragraph 1. of this subsection shall lose its exemption:
  - (i) The date on which the CAIR designated representative submits a CAIR permit application for the unit under subparagraph 2.E. of this subsection;
  - (ii) The date on which the CAIR designated representative is required under subparagraph 2.E. of this subsection to submit a CAIR permit application for the unit; or
  - (iii) The date on which the unit resumes operation, if the CAIR designated representative is not required to submit a CAIR permit application for the unit.
- G. For the purpose of applying monitoring, reporting, and recordkeeping requirements under subpart HHHH as incorporated in subsection (4) of this rule, a unit that loses its exemption under paragraph 1. of this subsection shall be treated as a unit that commences operation and commercial operation on the first date on which the unit resumes operation.

(2) Definitions.

- (A) Definitions for key words and phrases used in this rule may be found in subsections 40 CFR 96.303 and 96.304 of 40 CFR 96 Subpart AAAA promulgated as of July 1, 2005 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.
  - (B) Definitions of certain terms in this rule, other than those specified in this rule, may be found in 10 CSR 10-6.020.
- (3) General Provisions.
- (A) All of the subsections, unless otherwise noted in this section, of 40 CFR 96 Subparts BBBB, CCCC, DDDD, FFFF, GGGG, and IIII promulgated as of July 1, 2005 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.
  - (B) NOx Allowances.
    - 1. Timing requirements for CAIR NOX allowance allocations.
      - A. By October 31, 2007, the permitting authority will submit to the Administrator the CAIR NOX allowance allocations, in a format prescribed by the Administrator, for the control periods in 2009, 2010, 2011, 2012, 2013, and 2014 consistent with the allocations established in paragraph 2. of this subsection.
      - B. By October 31, 2007, the permitting authority will submit to the Administrator the CAIR NOX allowance allocations, in a format prescribed by the Administrator, for the control period beginning 2015 and extending through 10 control periods consistent with the allocations established in paragraph 2. of this subsection.
      - C. By October 31, 2015 and October 31 of every tenth year following, the permitting authority will submit to the Administrator the CAIR NOX allowance allocations, in a format prescribed by the Administrator, for the control period 10 years in the future and extending through 10 control periods consistent with paragraph 2. of this subsection.
    - 2. NOX allowance allocations.
      - A. The state trading program NOx budget allocated by the director under subparagraphs (3)(B)2.B and (3)(B)2.C. of this rule for a control period will equal the total number of tons of emissions apportioned to the NOx budget units in Missouri for the control period, as determined by the applicable, approved state implementation plan.
      - B. The following NOx budget units shall be allocated NOx allowances for each control period in accordance with Table I of paragraph (3)(B)2.B.

Table I

NOx Budget Unit

Unit

Percentage of NOx Allowances  
Heat Input by Unit

- C. The following existing non-EGU boilers shall be allocated NOx allowances for each control period in accordance with Table II of paragraph (3)(E)3.

**Table II**

**NO<sub>x</sub> Allocation per Unit  
Tons Per Ozone Season**

**Non-EGUs Boilers**

**Unit**

Facility ID	Facility Name	Unit ID	Percentage of Statewide Pool	NOx Allocation Phase I (tons)	NOx Allocation Phase II (tons)
2076	ASBURY	1	1.853%	495	412
2079	HAWTHORN STATION	5A	5.528%	1475	1229
2079	HAWTHORN STATION	6	0.093%	25	21
2079	HAWTHORN STATION	7	0.050%	14	11
2079	HAWTHORN STATION	8	0.043%	11	10
2079	HAWTHORN STATION	9	0.232%	62	52
2080	MONTROSE STATION	1	1.534%	409	341
2080	MONTROSE STATION	2	1.556%	415	346
2080	MONTROSE STATION	3	1.637%	437	364
2082	Fairgrounds		0.007%	2	2
2094	SIBLEY	1	0.518%	138	115
2094	SIBLEY	2	0.507%	135	113
2094	SIBLEY	3	3.328%	888	740
2096	Ameren Viaduct		0.001%	0	0
2098	LAKE ROAD	6	0.867%	231	193
2102	Howard Bend Ct		0.003%	1	1
2103	LABADIE	1	4.593%	1225	1021
2103	LABADIE	2	4.862%	1297	1081
2103	LABADIE	3	5.208%	1389	1158
2103	LABADIE	4	4.828%	1288	1073
2104	MERAMEC	1	1.254%	335	279
2104	MERAMEC	2	1.147%	306	255
2104	MERAMEC	3	1.992%	531	443
2104	MERAMEC	4	2.897%	773	644
2104	MERAMEC	GT1	0.000%	0	0
2104	MERAMEC	GT2	0.000%	0	0
2107	SIOUX	1	3.690%	985	820
2107	SIOUX	2	3.696%	986	822
2123	COLUMBIA	6	0.090%	24	20
2123	COLUMBIA	7	0.105%	28	23
2123	COLUMBIA	8	0.002%	1	0

2132	BLUE VALLEY POWER	3	0.316%	84	70
2132	BLUE VALLEY POWER	GT1	0.000%	0	0
2161	JAMES RIVER	**GT2	0.032%	9	7
2161	JAMES RIVER	3	0.487%	130	108
2161	JAMES RIVER	4	0.618%	165	137
2161	JAMES RIVER	5	1.073%	286	239
2167	NEW MADRID POWER PLA	1	4.784%	1276	1064
2167	NEW MADRID POWER PLA	2	4.959%	1323	1103
2168	THOMAS HILL ENERGY C	MB1	1.904%	508	423
2168	THOMAS HILL ENERGY C	MB2	2.745%	732	610
2168	THOMAS HILL ENERGY C	MB3	6.658%	1776	1480
2169	CHAMOIIS POWER PLANT-	2	0.520%	139	116
6065	IATAN STATION	1	7.065%	1885	1571
6155	RUSH ISLAND	1	5.067%	1352	1127
6155	RUSH ISLAND	2	4.596%	1226	1022
6195	SOUTHWEST	1	2.291%	611	509
6223	Empire	3A	0.009%	2	2
6223	Empire	3B	0.009%	2	2
6223	Empire	4A	0.009%	2	2
6223	Empire	4B	0.009%	2	2
6563	Empire - Energy Center 1		0.059%	16	13
6563	Empire - Energy Center 2		0.035%	9	8
6650	Mexico		0.004%	1	1
6651	Moberly		0.003%	1	1
6652	Moreau		0.005%	2	1
6768	SIKESTON	1	2.627%	701	584
7296	STATE LINE UNIT 1	1	0.172%	46	38
7296	STATE LINE UNIT 1	2-1	0.319%	85	71
7296	STATE LINE UNIT 1	2-2	0.368%	98	82
7604	ST. FRANCIS POWER PL	1	0.208%	56	46
7604	ST. FRANCIS POWER PL	2	0.183%	49	41
7749	ESSEX POWER PLANT	1	0.034%	9	8
7754	NODAWAY POWER PLANT	1	0.036%	10	8
7754	NODAWAY POWER PLANT	2	0.033%	9	7
7848	HOLDEN POWER PLANT	1	0.007%	2	2
7848	HOLDEN POWER PLANT	2	0.012%	3	3
7848	HOLDEN POWER PLANT	3	0.009%	2	2
7903	MCCARTNEY	MGS1A	0.004%	1	1
7903	MCCARTNEY	MGS1B	0.004%	1	1
7903	MCCARTNEY	MGS2A	0.004%	1	1
7903	MCCARTNEY	MGS2B	0.004%	1	1
7964	PENO CREEK ENRGY CTR	CT1A	0.006%	2	1
7964	PENO CREEK ENRGY CTR	CT1B	0.005%	1	1
7964	PENO CREEK ENRGY CTR	CT2A	0.006%	2	1
7964	PENO CREEK ENRGY CTR	CT2B	0.006%	2	1
7964	PENO CREEK ENRGY CTR	CT3A	0.005%	2	1
7964	PENO CREEK ENRGY CTR	CT3B	0.005%	1	1
7964	PENO CREEK ENRGY CTR	CT4A	0.005%	1	1
7964	PENO CREEK ENRGY CTR	CT4B	0.005%	1	1
55178	MEP PLEASANT HILL	CT-1	0.283%	76	63

55178	MEP PLEASANT HILL	CT-2	0.253%	68	56
55234	AUDRAIN GENERATING	CT1	0.002%	1	0
55234	AUDRAIN GENERATING	CT2	0.001%	0	0
55234	AUDRAIN GENERATING	CT3	0.001%	0	0
55234	AUDRAIN GENERATING	CT4	0.001%	0	0
55234	AUDRAIN GENERATING	CT5	0.001%	0	0
55234	AUDRAIN GENERATING	CT6	0.001%	0	0
55234	AUDRAIN GENERATING	CT7	0.000%	0	0
55234	AUDRAIN GENERATING	CT8	0.000%	0	0
55447	COLUMBIA ENERGY CTR	CT01	0.002%	1	1
55447	COLUMBIA ENERGY CTR	CT02	0.002%	0	0
55447	COLUMBIA ENERGY CTR	CT03	0.001%	0	0
55447	COLUMBIA ENERGY CTR	CT04	0.001%	0	0
			100.000%	26678	22231

D. Any unit subject to subsection (1)(B) other than those listed in Tables I and II of this subsection will not be allocated NOx budget allowances under this rule.

(4) Reporting and Record Keeping.

- (A) All of the subsections, unless otherwise noted in this section, of 40 CFR 96 Subpart HHHH promulgated as of July 1, 2005 are hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.
- (B) Each owner or operator of any gas- or oil-fired unit that qualifies for the low-emitter or the low hours of operation exemption in subsections subsection (1)(B) of this rule, shall maintain records of the total operating hours during which fuel is consumed for each emission unit during the control period. In the event that another record keeping schedule has been previously approved for the EGU and is included as an operating permit condition, the EGU may use that schedule to comply with this requirement.
- (C) Exempt Units.
  - 1. The following hierarchy of methods may be used to determine if a unit qualifies for the low-emitter exemption in subsection (1)(B) of this rule. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method should be used in its place:
    - A. CEMS;
    - B. Stack tests;
    - C. Material/mass balance;
    - D. AP-42 (Environmental Protection Agency (EPA) Compilation of Emission Factors)
    - E. FIRE (Factor Information and Retrieval System) (as updated);
    - F. Other EPA documented test methods;
    - G. Sound engineering calculations; or

- H. Facilities shall obtain the administrator's pre-approval of emission estimation methods other than those listed above.
- 2. In the event that such method has previously been approved for the EGU and included as an operating permit condition, the EGU may use that method to comply with this requirement.
- 3. Any gas- or oil-fired unit that qualifies for the low-emitter exemption in subsection (1)(B) of this rule or the low hours of operation exemption in paragraph subsections (1)(B) shall install and operate a non-resettable hour meter or determine the hours of operation for each emission unit during the control period. In the event that another monitoring method has previously been approved for the EGU and included as an operating permit condition, the EGU may use that method to comply with this requirement.

(5) Test Methods. *(Not Applicable)*